

\$~8

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 1604/2017

ISRAR QURESHI AND ORS

..... Petitioners

Through Mr.Alamgir, Adv.

versus

SOUTH DELHI MUNICIPAL CORPORATION AND ANR

..... Respondents

Through Ms.Reema Khorana, Adv. for SDMC
along with Mr.Rajeev, Official of SDMC,
in person.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

% **08.03.2017**

Three petitioners have approached this Court claiming to be *tehbazari* holders and running their business at the squatting zone opposite Capital Court near HDFC Bank, side wall road side of property No.8, Institutional Area, Sector-4, R.K.Puram, New Delhi. The petitioners claim that they have been illegally removed by the respondents.

Learned counsel for respondents/SDMC has brought to the notice of this Court that pursuant to prayers made in writ petition being W.P. (C) No.8874/2014, titled as ***Rajesh Chawla & Anr. V. South Delhi Municipal Corporation & Anr.***, decided on 30.01.2017, encroachments were removed. Learned counsel for the petitioners has submitted before us that the petitioners are not encroachers and sites were allotted to them. Counsel for SDMC has, however, stated that there are no supporting documents in favour of petitioners No.2 & 3 and petitioner No.1 is not squatting as per the site which was, in fact,

allotted to his father. Mr.Alamgir submits that petitioner No.1 would approach SDMC with supporting documents. Ccounsel for the SDMC submits that in case the petitioner No.1 is able to satisfy the respondents with regard to his right, the *tehbazari* would be transferred in his name upon the demise of his father and he would be granted an alternate site.

With respect to petitioners No.2 & 3, both the parties agreed that the said petitioners would approach the Town Vending Committee with supporting documents and the TVC will consider the case of the petitioners in accordance with law. It is also agreed that in case when the survey is conducted and petitioners are not found squatting at their respective sites, that by itself would not be a ground to reject the case of the petitioners, if the petitioners are able to place relevant documents on record.

With these directions, the writ petition is disposed of.

Dasti.

G.S.SISTANI, J.

VINOD GOEL, J.

MARCH 08, 2017/ka /